

SELF-SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT FORMS TO RESPOND TO A PETITION ABOUT CUSTODY, PARENTING TIME, and CHILD SUPPORT

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE: Unfortunately, domestic violence can be part of any relationship. Domestic violence can include physical violence directed against you or your children such as hitting, slapping, pushing, or kicking. Domestic violence can also include threats of physical violence made against you and your children, or regular verbal abuse used to control you. The person who hurts you does **NOT** need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents will request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you must file for an order of protection first and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your court papers. Update the clerk of the court with an address and phone number as soon as possible so that the Court can get in touch with you.

INSTRUCTIONS: Follow these instructions to complete your Response.

- Make sure your form states **RESPONSE TO PETITION FOR CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT, OR CUSTODY AND PARENTING TIME** in the upper right hand part of the page.
- In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.
- Fill in the name of "Petitioner" and "Respondent" exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on in this case.
- Use the DR or FC case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on in this case.

GENERAL INFORMATION:

1. Fill in the name, address and date of birth for the petitioner. This is basic information about the relationship to the minor children for whom the person wants the custody and/or parenting time order.
2. Fill in the information about you.
3. Fill in information about all the minor children for whom you want custody/parenting time. The same persons should be the mother and the father for all the minor children for whom you want this order. If you think the minor children have different fathers or mothers, say so and the Petitioner will have to file a separate lawsuit.

STATEMENTS ABOUT PATERNITY AND CHILD SUPPORT

4. **How was paternity established in your case?** Check the box that describes how paternity was established. If none of these apply, or if only the last box applies (indicating the parties were married when the minor child(ren) was/were born, conceived or adopted, **STOP!** Do not proceed with these forms unless advised to do so by an attorney. **Paternity must already be established to use these forms; if the parties were married, custody and parenting time can only be decided as part of an action for divorce or separation.**

5. **What is your current situation as to child support?** Check the box that describes your case.

ORDER DOES NOT NEED TO BE CHANGED: Check here if you think that the child support order you have does not need to be changed because of the custody order you want. **WARNING: The judge can decide whether to change the child support order even if you do not want this.**

ORDER NEEDS TO BE CHANGED: Check here if the child support order you have needs to be changed.

NO CHILD SUPPORT ORDER: If you have a paternity order only, without a child support order, the judge will make an order on the issues of custody, parenting time, and child support.

6. **STATE HERE WHAT YOU SAY ABOUT PATERNITY OR SUPPORT THAT IS DIFFERENT FROM WHAT THE PETITIONER SAID IN THE PETITION.**

OTHER INFORMATION ABOUT THE MINOR CHILDREN: If you are aware of court cases about the minor children, you need to tell the court. Attach a copy of the orders about custody, parenting time, or child support to the response, unless the orders are from the Superior Court in Maricopa County.

7. Fill out where the minor children from this action have been living **for the past 5 years**; if any of the children are under age 5, simply put information since their birth. Write each minor child's name; the address where the minor child lived; what dates the minor child lived at each address; who the minor child lived with; and the relationship of that person to the minor child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.
8. You must tell the Court if you participated as a party or witness in any court case involving custody or parenting time of the minor child(ren). If not, mark the first box and **GO ON**. If there is another case, mark the second box and give as much information as possible. This information could affect you or your minor children's rights in this case.
9. The Court **MUST** know if there have been other cases involving custody, parenting time or child support of the minor children, even if you were not a party. If there are no other custody or parenting time cases, or you don't know of any, mark the first box and **GO ON**. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
10. If you do not know of another person **OTHER THAN THE OPPOSING PARTY** who has physical custody of the minor child(ren) or is claiming custody or parenting time rights to any of the minor children, mark the first box and **GO ON**. If you do know of such a person, put the information here, including the minor child's name and the person who believes they have a custody or parenting time claim. If there is such a person, you must include the person as a respondent in this court case.
11. Since you are responding to what the other party asked for in the petition, you should now summarize for the judge how what you say ABOUT THE MINOR CHILDREN is different than what the other party said.

OTHER STATEMENTS TO THE COURT:

12. **OTHER EXPENSES:** This asks for a fair division of all expenses about the minor children.
13. **DOMESTIC VIOLENCE:** This tells the Court if there was domestic violence in the relationship, and relates to a request for joint custody, if you intend to ask for joint custody. Mark the box corresponding to your situation. If you are not sure what this means, see the **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE**.
14. **GENERAL DENIAL:** This tells the Court that, even if you did not answer each and everything said in the petition, you deny what you did not address. This is extra protection for you.

REQUESTS MADE TO THE COURT FOR CUSTODY, PARENTING TIME and CHILD SUPPORT.

This section of the Petition formally requests that the Court make Orders relating to issues such as custody, parenting time and/or support.

1. CUSTODY OF MINOR CHILDREN AND PARENTING TIME

- A. **JOINT CUSTODY:** If you are asking for joint custody, you must file a Joint Custody Agreement that is signed by both parents and approved by the court later in the process. The Joint Custody Agreement is part of the Parenting Plan contained in packet 4, "The Court Order."
- B. **SOLE CUSTODY:** If you want sole custody, check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want custody of the minor children to go to you or the other party.

PARENTING TIME: Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the minor child less than 50% of the time) have one of the following types of parenting time:

1. **Reasonable Parenting time.** This suggests an amount of parenting time appropriate to the age of the minor child. The Court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. Complete the Parenting Plan before you go to the judge for your final order.
2. **Supervised or No Parenting time to the Non-Custodial Parent.** You may request supervised or no parenting time if the non-custodial parent cannot adequately care for the minor children or cannot do so without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a minor child without another adult present. Remember, supervised or no parenting time is not intended to punish the parent, but to protect the minor child(ren). You must write in specifically why parenting time should be supervised or no parenting time allowed.
3. **Supervised Parenting time:** Describe how you think this should work and who should pay for it.
4. **No Parenting time to the Non-Custodial Parent.** You should mark this option only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the minor child's physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the minor child and the non-custodial parent. This is a last resort to protect the minor child.

2. **CHILD SUPPORT:** Mark which party should pay child support. (Note: the box you mark should match what you asked for in the Petition).
3. **MEDICAL, DENTAL, VISION CARE INSURANCE AND HEALTH CARE EXPENSES:** Mark which party should be responsible for medical, dental, and vision care insurance and expenses.
4. **OTHER ORDERS:** Mark this box only if you have made other requests of the Court. If you mark the box, write the specific additional orders you are requesting the Court to make that were not covered elsewhere in your Petition.

OATH OR AFFIRMATION

Sign and date the form. By doing so, you are telling the Court that everything contained in your Response is true.